

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA

vs.

MICHAEL JOSEPH SARBER,

Defendant

NO. 5: 05-CR-79 (DF)

VIOLATION(S): FIREARMS Related

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a DETENTION HEARING was this day held in the above-captioned case before the undersigned. The defendant was represented by Mr. Michael J. Moore of the Warner Robins Bar; the United States was represented by Assistant U. S. Attorney Michael T. Solis. Based upon the evidence proffered to the court by the parties, I conclude that the following facts require the detention of the defendant pending the trial of this case.

PART I - FINDINGS OF FACT

- ☐ (1) There is PROBABLE CAUSE to believe that the defendant has committed an offense
☐ for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act.
☐ under 18 U.S.C. §924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

ALTERNATIVE FINDINGS

- ☐ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the evidence proffered at the DETENTION HEARING, as supplemented by information contained in the Pretrial Services Report of the U. S. Probation Office dated September 15, 2005, establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the safety of the community were defendant SARBER to be released from custody at this time. Although defendant SARBER has lived in or near the Middle District of Georgia for most of his life, the offenses charged against him are serious federal firearms felonies for which long-term incarceration can be expected if he is convicted. His estimated federal sentencing guideline range is 120 months to 150 months imprisonment if he is convicted. The weight of evidence appears to be strong.

Defendant SARBER has a serious criminal conviction record which includes: BURGLARY, 2000, Superior Court of Laurens County, Georgia; BURGLARY, 2002, Superior Court of Laurens County; and THEFT BY TAKING, 2002, Superior Court of Laurens County.

Defendant SARBER also has a history of probation violations in Laurens County.

In the court's view, Mr. SARBER poses a very real danger to the community were he to be released from custody. He has demonstrated a propensity to involve himself in serious illegal activity continuously since 2000. Pretrial detention is therefore mandated. IT IS SO ORDERED.

PART III - DIRECTIONS REGARDING DETENTION

The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 28th day of SEPTEMBER, 2005.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE